

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

WALDEMAR LUGO ALVAREZ

Debtor

CASE NO. 10-02846(ESL)

CHAPTER 13

**AMENDED MOTION FOR PAYMENT OF ADMINISTRATIVE EXPENSE
AND FOR ASSUMPTION OR REJECTION OF LEASE CONTRACT;
NOTICE**

TO THE HONORABLE COURT:

COMES NOW creditor **BANFIN REALTY, S.E. (“BANFIN REALTY”)**, through its undersigned counsel, and very respectfully alleges, states and prays:

1. On April 8, 2010, Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.
2. BANFIN REALTY is the owner of an office building known as NACIONAL PLAZA, at 431 Ponce de León Avenue, Hato Rey, Puerto Rico.
3. Debtor occupies Suite 326 at NACIONAL PLAZA, an office space of approximately 1012.53 square feet, with a monthly rental of \$1,265.67, utility expenses of \$400.79, operating expenses of \$274.22, where he conducts a medical practice, and also occupies parking with a monthly rent of \$100.00.
4. At the time of the filing of the petition, Debtor was indebted to BANFIN REALTY in the amount of \$33,775.64. See Claim No. 17 filed on June 14, 2010.
5. Since filing, Debtor continues to occupy the premises and parking at NACIONAL PLAZA ,with monthly charges of \$2,120.68, accumulating administrative expenses in the amount of **\$8,482.72**.
6. Section 507 (a) (1) of the Bankruptcy Code, 11 U.S. C. §507(a)(1) grants first

priority to administrative expenses allowed under Section 503(b) of the Bankruptcy Code, which include the actual, necessary costs and expenses of preserving the estate after the commencement of the case.

7. Neither Debtor's schedules nor plan make any reference to its executory contract with BANFIN REALTY.

WHEREFORE, it is respectfully requested that this Honorable Court enter an order directing Debtor pay forthwith to BANFIN REALTY, S.E. the sum of \$8,482.72 for use and occupancy charges at NACIONAL PLAZA, and to provide for the assumption or rejection of its lease contract with BANFIN REALTY, S.E. in his Chapter 13 plan, pursuant to 11 U.S.C. Sec. 365.

NOTICE

WITHIN FOURTEEN (14) DAYS FROM SERVICE OF THIS MOTION, ANY PARTY OBJECTING TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS MOTION WITH THE CLERK'S OFFICE OF THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO. IF NO OBJECTION OR OTHER RESPONSE IS FILED WITHIN THE TIME ALLOWED HEREIN, THE MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED UNLESS: (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUEST RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE.

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been filed electronically on this day with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to: José M. Prieto Carballo, Esq. JPC@jpclawpr.com; José M. Carrión Morales, Trustee, newecfmail@ch13-pr.com, and to the parties who have made an electronic appearance in this case.

San Juan, Puerto Rico, this 20th day of July, 2010.

s/Sergio A. Ramírez de Arellano
SERGIO A. RAMIREZ DE ARELLANO

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